

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 2, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman, via telephone
Matt Brainard, Commissioner

Commissioners Anderson and Rowe were absent but left written votes with the Commission Secretary.

APPEARANCE

Wayne Budt, Administrator

Transportation & Centralized Services Division

(170) In the matter of TN2135; Lynn J. Labatte dba L & L Sanitation, Culbertson, Montana, PSC No. 5039, has submitted his 2001 Annual Report reflecting no intrastate Montana revenue. Mr. Labatte is serving customers in Montana and generated \$40,080 in revenue. However, the waste is transported to the closest landfill located in North Dakota making the movements interstate in nature. ARM 38.3.1205(c) requires the Commission to consider the verified statement in lieu of intrastate operations. Commissioner Feland moved to approve acceptance of the verified statement. Commissioner Brainard seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

(171) In the matter of the approval of Commission Minutes; Commissioner Brainard moved to approve the Commission Minutes for the week of March 25, 2002. Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary
(SEAL)

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APPEARANCE

Lisa Swanson, David Burchett

(172) In the matter of the Commission's discussion of Mountain Water Company' s Application for Authority to Establish Uniform Tariffs and Rate Structures for its Missoula, East Missoula and Linda Vista Customers, Docket No. D2001.12.158; Commissioner Brainard moved to approve the motion to grant the waiver (allowing Linda Vista customers to switch back to flat rate). Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE

Monica Tranel

(173) In the matter of the Commission's discussion of Mid-Rivers Telephone Cooperative' s Request for Arbitration of Interconnection Agreement, Docket No. D2002.1.3; Commissioner Brainard moved to grant the protective order. Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

Commissioner Brainard moved to change the hearing date from May 1 and 2 to May 2 and 3. Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

Commissioner Brainard moved to adopt the staff recommendation (as outlined on the memo dated 4/1/02) and issue an order implementing the recommendations (re Western Wireless' motion to compel responses to data requests). Commissioner Feland seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
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(SEAL)